

THE PRESIDENT: You do not have a question as to form?

DELEGATE BAMBERGER: I am sorry. I do not. My only question as to the form then is with respect to requiring the Vice Presidents to bring to this Convention the names suggested by that governing body, if they receive such names.

THE CHAIRMAN: Any further comment? Delegate Henderson?

DELEGATE HENDERSON: I would like to add just one comment to what Mr. Bamberger and Mr. Grant said. It seems to me that, in view of the Enabling Act, which requires that the Convention act in filling vacancies, a very serious legal question might be raised as to whether a requirement that the selection committee select anybody might not be considered a delegation of that authority, which would be unconstitutional, and something this body certainly should not attempt.

THE PRESIDENT: Any further discussion?

DELEGATE LINTON: Mr. President, if, under Mr. Bamberger's suggestion or objection it would be more palatable to reword the suggestion here, that the First and Second Vice-Presidents be the selection committee to make nominations, after consulting with the local governing body, perhaps such a clarification would put it more in context with the purpose. However, I think we have spent enough time on this particular motion. I would hate to see the people of a county who have to live under a new Constitution not have a definite say in how their replacement would be selected by this body.

THE PRESIDENT: Delegate Linton, let me see if I understand your suggested change. You would change your motion to amend the last sentence by striking the period, and adding the phrase, "to make such nomination after consulting with the governing body of said county for the purpose of receiving its recommendation."

Is that your amendment?

DELEGATE LINTON: Yes.

THE PRESIDENT: Is the amendment by Delegate Linton accepted by his seconder? Is there any further discussion then of the motion as amended? Delegate White?

DELEGATE WHITE: Mr. President, having listened a bit, I agree with the position that where there were more than one delegate seeking election to this Conven-

tion, and no objection from the selection committee the person who was in the runner-up position in the election, which was conducted in June, should be automatically moved into the vacancy that exists in his legislative district. This would eliminate some of the work of the selection committee. The only problem I foresee would be in the area where there were only one delegate and no opposition to him. Then there would be a problem.

Mr. President, if an amendment is in order, I move that in all legislative districts where there were more than one delegate seeking election to this Convention, the top runner-up automatically be moved into the vacancy which might occur during the lifetime of this Convention.

DELEGATE FREEDLANDER: I second.

THE PRESIDENT: Delegate White, I do not think your motion is germane to the motion now before us. You will be permitted to make your motion after we act on the motion now before us. As I understand your amendment, it goes to the rule as proposed by the Committee.

Any further discussion of the motion to amend Rule 71C [77], as proposed by the Committee?

DELEGATE BAMBERGER: Mr. President.

THE PRESIDENT: Are you ready for the question? Delegate Bamberger?

DELEGATE BAMBERGER: I would ask Delegate Linton if he would accept an amendment to his amendment so that after the word "committee" it would read, "after consulting with the governing body of the county, or City of Baltimore."

THE PRESIDENT: Do you understand the question, Delegate Linton?

DELEGATE LINTON: I do not think it can happen in the City of Baltimore, but I accept this.

DELEGATE BAMBERGER: "after consulting with the governing body of the county."

DELEGATE LINTON: That is all right.

THE PRESIDENT: Thank you. Any further discussion of the motion to amend?

DELEGATE SCANLAN: The Chairman of the Rules Committee would like to say that Delegate Bamberger, at least in his previous appearance, and Delegate Grant,